



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 137**

February 11, 2004 - Offered by COMMITTEE ON CORRECTIONS AND THE COURTS.

1     **AN ACT** *to amend* 972.13 (1) and 974.06 (1); and *to create* 971.41 and 973.115  
2           of the statutes; **relating to:** community courts for youthful offenders.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3           **SECTION 1.** 971.41 of the statutes is created to read:

4           **971.41 Suspended prosecution agreement; placement with community**  
5     **court program.** The court, the district attorney, and the defendant may enter into  
6     a suspended prosecution agreement for the defendant to be placed with a community  
7     court program under s. 973.115. The agreement must include the requirement that  
8     the defendant comply with the court's order under s. 973.115 (2).

9           **SECTION 2.** 972.13 (1) of the statutes is amended to read:

10          972.13 (1) ~~A~~ Except as provided in s. 973.11 (1) or 973.115 (2), a judgment of  
11     conviction shall be entered upon a verdict of guilty by the jury, a finding of guilty by  
12     the court in cases where a jury is waived, or a plea of guilty or no contest.

1           **SECTION 3.** 973.115 of the statutes is created to read:

2           **973.115 Placements with community court program. (1)** APPROVAL OF  
3 PROGRAMS. In each judicial administrative district under s. 757.60, the chief judge  
4 of the district may approve community court programs established in a county within  
5 the district for placements under this section.

6           **(2) PLACEMENTS.** (a) The court may withhold the judgment of conviction or the  
7 sentence and order that a person be placed in a community court program if all of the  
8 following apply:

9           1. The person is convicted of or pleads guilty or no contest to one or more  
10 misdemeanors for which mandatory periods of imprisonment are not required.

11           2. The person committed each offense under subd. 1. when he or she was under  
12 25 years of age.

13           3. If the court is to withhold the judgment of conviction, the court, the district  
14 attorney, and the defendant have entered into a suspended prosecution agreement  
15 under s. 971.41.

16           4. The chief judge of the judicial administrative district has approved a  
17 community court program established in that county.

18           5. The court decides that the community court program will likely benefit the  
19 person and the community.

20           (b) Except as provided in sub. (3), the court may establish reasonable and  
21 appropriate conditions on the defendant's placement and it shall include those  
22 conditions in its order. The court shall set the length of the order, which initially may  
23 not exceed 2 years.

1 (c) When ordering that a defendant be placed in a community court program,  
2 the court may order that the record be expunged if the defendant satisfies the  
3 conditions of the order and any applicable suspended prosecution agreement.

4 **(3) STATUS OF DEFENDANT.** A defendant who is placed with a community court  
5 program under sub. (2) is subject to conditions set by the court in the placement order  
6 and the conditions provided in any applicable suspended prosecution agreement.  
7 The defendant is not on probation under ss. 973.09 and 973.10 and the department  
8 is not responsible for supervising him or her. The court may not require the person  
9 to be confined as a condition of the placement order.

10 **(4) DISPOSITION.** (a) If the defendant satisfies the conditions of the order and  
11 any applicable suspended prosecution agreement, the court shall do all of the  
12 following:

- 13 1. Discharge the defendant.
- 14 2. Dismiss the charges against the defendant if a judgment of conviction was  
15 not previously entered.
- 16 3. Expunge the court record if the court authorized expungement under sub.  
17 (2) (c).

18 (b) 1. If the defendant is alleged to have violated the conditions of the order or  
19 any applicable suspended prosecution agreement, the court may hold a hearing  
20 regarding the allegations. The court shall notify the defendant at least 7 days before  
21 holding any hearing and may extend the period of supervision for up to 45 days to  
22 accommodate the hearing. Failure of the defendant to appear at the hearing tolls the  
23 running of the period of supervision.

